

EXHIBIT 65
FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
)
vs.) Case No.:
) 3:17-cv-00939-WHA
UBER TECHNOLOGIES, INC.,)
OTTOMOTTO LLC; OTTO TRUCKING)
9 LLC,)
)
10 Defendants.)
_____)

ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF ASHEEM LINAVAL
San Francisco, California
Thursday, April 13, 2017
Volume 1

Reported by:
RACHEL FERRIER, CSR No. 6948
Job No. 2594014
PAGES 1 - 92

<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN FRANCISCO DIVISION 4 5 WAYMO LLC,) 6 Plaintiff,) 7 vs.) Case No.: 8) 3:17-cv-00939-WHA 9 UBER TECHNOLOGIES, INC.,) 10 OTTOMOTTO LLC; OTTO TRUCKING) 11 LLC,) 12 Defendants.) 13) 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>VIDEOTAPED DEPOSITION OF ASHEEM LINAVAL, VOLUME 1, taken on behalf of the Plaintiff, at Quinn Emanuel Urquhart & Sullivan, LLP, 50 California Street, 22nd Floor, San Francisco, California, beginning at 10:05 a.m. and ending at 12:34 p.m. on Thursday, April 13, 2017, before RACHEL FERRIER, Certified Shorthand Reporter No. 6948.</p>	<p>1 APPEARANCES (continued): 2 3 Also Present: 4 5 SHANA STANTON, Waymo 6 AARON BERGSTROM, Uber 7 8 Videographer: 9 10 CASSIA LEET 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES: 2 3 For Plaintiff: 4 5 QUINN EMANUEL URQUHART & SULLIVAN LLP 6 BY: JORDAN JAFFE 7 DAVID PERLSON 8 Attorneys at Law 9 50 California Street, 22nd Floor 10 San Francisco, California 94111 11 415.875.6600 12 jordanjaffe@quinnemanuel.com 13 davidperlson@quinnemanuel.com 14 15 For Defendants: 16 17 MORRISON & FOERSTER, LLP 18 BY: WENDY RAY 19 Attorney at Law 20 707 Wilshire Boulevard 21 Los Angeles, California 90017-3543 22 213.892.5200 23 wray@mofo.com 24 25</p>	<p>1 INDEX 2 WITNESS EXAMINATION 3 ASHEEM LINAVAL 4 VOLUME 1 5 6 BY MR. JAFFE 7 7 8 9 10 11 EXHIBITS 12 NUMBER DESCRIPTION PAGE 13 Exhibit 2 Milestones 44 14 Exhibit 3 Assembly Diagram 51 15 Exhibit 4 Declaration of Asheem Linaval 16 in Support of Defendants' 17 Opposition to Plaintiff Waymo 18 LLC's Motion for Preliminary 19 Injunction 64 20 21 22 23 24 25</p>
Page 3	Page 5

1 Q And in the couple months prior, what kind of 10:52:57	1 MS. RAY: Objection; form. 10:55:39
2 ideas was he talking about? 10:52:59	2 THE WITNESS: Sorry. Would you repeat that. 10:55:40
3 A He didn't indicate to me the nature of the 10:53:00	3 BY MR. JAFFE: 10:55:44
4 business -- 10:53:04	4 Q Did you ever, personally, have any concerns about 10:55:44
5 Q Did you ask? 10:53:05	5 potentially using intellectual property that is owned by 10:55:48
6 A -- or venture. 10:53:06	6 Google or Waymo in this competing project called 10:55:51
7 Not really. 10:53:13	7 280 Systems? 10:55:54
8 Q You weren't interested in what kind of company he 10:53:17	8 MS. RAY: Same objection. 10:55:57
9 was trying to recruit you to join? 10:53:20	9 THE WITNESS: I don't recall being concerned 10:55:57
10 A I -- I got the sense that he wasn't ready to talk 10:53:23	10 about running into IP issues regarding to -- regarding 10:56:12
11 about it yet. 10:53:36	11 IP from Google Waymo. 10:56:18
12 Q So you were just going to join some company doing 10:53:36	12 BY MR. JAFFE: 10:56:20
13 you have no idea what it was? Is that -- that was the 10:53:39	13 Q Ever? Before this lawsuit, clearly. 10:56:21
14 idea? 10:53:42	14 A It wasn't a concern, no. 10:56:26
15 A I -- I hadn't committed to joining. 10:53:42	15 Q Did Anthony ever tell you that he was going to 10:56:31
16 Q And you didn't press him to actually ask him what 10:53:45	16 take material from Waymo or Google for use at 10:56:33
17 the company would be? 10:53:50	17 280 Systems or any other company that you are aware of 10:56:39
18 A No. 10:53:51	18 outside Google? 10:56:41
19 Q Okay. When was the first time Mr. Levandowski 10:53:52	19 A Sorry. Would you repeat that? 10:56:43
20 contacted you about joining what became 280 Systems? 10:53:57	20 Q Did Anthony ever tell you that he was going to 10:56:47
21 A I only have an approximate recollection of the 10:54:02	21 take material from Waymo or Google for use at 10:56:50
22 time frame, and it was in the -- in a couple months 10:54:04	22 280 Systems or any other company that you are aware of 10:56:54
23 prior to January 2016. 10:54:08	23 outside of Google? 10:56:56
24 Q So you can definitively say you guys were talking 10:54:09	24 A Anthony never -- never said anything about taking 10:56:57
25 about this company and then you joining sometime in 10:54:13	25 IP from any other company to use at 280 Systems. 10:57:05
Page 30	Page 32
1 2015, at least. 10:54:16	1 Q Are you aware of Anthony -- Mr. Levandowski ever 10:57:08
2 You would agree with that; right? 10:54:17	2 taking documents or any other items, any sort of 10:57:13
3 A Anthony had expressed interest in having me do 10:54:20	3 proprietary information from Google or Waymo, for use in 10:57:19
4 work for him in the last couple months of 2015. 10:54:25	4 any other company? 10:57:23
5 Q And when did he reveal to you that it would be a 10:54:28	5 A I don't recall him taking any documents or items 10:57:25
6 self-driving trucking company? 10:54:32	6 for -- for use at 280 Systems. 10:57:29
7 A In January of 2016. 10:54:33	7 Q Okay. Or any other company? 10:57:32
8 Q What did you say? 10:54:37	8 A Or -- or any other company. 10:57:33
9 A Would you clarify? 10:54:39	9 Q Okay. You use Altium? 10:57:35
10 Q Sure. 10:54:46	10 A I use Altium, correct. 10:57:43
11 When you found out -- when he finally revealed to 10:54:47	11 Q What is Altium? 10:57:45
12 you, after months of talking about this unknown project, 10:54:49	12 A Altium is a software computer-aided design 10:57:46
13 that it would be a self-driving trucking company, what 10:54:51	13 package for electronics design. 10:57:52
14 was your reaction? 10:54:54	14 Q And you are an electronic engineer; right? 10:57:53
15 MS. RAY: Objection; form. 10:54:54	15 A I am -- I'm an electrical engineer. 10:57:56
16 THE WITNESS: Generally positive. 10:54:55	16 Q Okay. Is Mr. Levandowski an electrical engineer? 10:58:01
17 BY MR. JAFFE: 10:55:13	17 A Not to my knowledge. 10:58:04
18 Q Did you ever ask him about potential intellectual 10:55:14	18 Q Have you ever seen him use Altium? 10:58:08
19 property concerns with his work at Waymo or Google? 10:55:17	19 A I don't think I've ever seen him personally use 10:58:11
20 A I never asked him about -- I never asked him 10:55:21	20 Altium before. 10:58:15
21 about intellectual property concerns. 10:55:26	21 Q Okay. Have you ever talked to him about Altium? 10:58:15
22 Q Did you ever have any -- personally, some 10:55:29	22 A In the course of doing work for him, probably, 10:58:20
23 concerns about potentially using intellectual property 10:55:31	23 but I don't remember a specific instance. 10:58:22
24 that is owned by Google or Waymo in this competing 10:55:34	24 Q You joined 280 Systems in January 2016; correct? 10:58:25
25 project? 10:55:37	25 A That is correct. 10:58:38
Page 31	Page 33

1 Q Between the time you joined 280 Systems and the 10:58:40
2 time that Uber acquired Otto, please tell me the names 10:58:44
3 of the LiDAR projects that you are aware of at Otto, 10:58:51
4 slash, 280 Systems? 10:58:55
5 A There was [REDACTED] and Fuji. 10:58:56
6 Q What's [REDACTED]? 10:59:06
7 A [REDACTED] was -- [REDACTED] was a -- could you be more 10:59:14
8 specific about that? Like -- 10:59:29
9 Q You -- you mentioned [REDACTED] 10:59:34
10 My question is: What is it? 10:59:36
11 A It is a LiDAR. 10:59:37
12 Q What kind of LiDAR is it? 10:59:40
13 A It is a LiDAR that we wanted to -- it was a 10:59:41
14 prototype LiDAR. 11:00:08
15 Q How many optical cavities were in the [REDACTED] 11:00:09
16 LiDAR? 11:00:13
17 A I don't recall exactly. 11:00:22
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Q How many lenses did it have? 11:00:28
22 A I don't -- I don't -- I don't clearly recall the 11:00:30
23 configuration of the optical cavity, but I believe -- 11:00:46
24 yeah, I don't specifically recall the configuration of 11:00:53
25 the optical cavity. 11:00:56
Page 34

1 Q Okay. So you can't tell me how many lenses the 11:00:58
2 [REDACTED] LiDAR had? 11:01:01
3 A I could only tell you what I suspect it had. 11:01:02
4 Q Okay. So you mentioned [REDACTED] and -- [REDACTED] and 11:01:11
5 Fuji. 11:01:17
6 There were no other LiDAR designs at Otto; is 11:01:18
7 that correct? 11:01:21
8 A [REDACTED] and Fuji were our only two internal LiDAR 11:01:21
9 designs. 11:01:26
10 Q Okay. When did Fuji start? 11:01:26
11 A I don't -- I don't know of an exact date for 11:01:28
12 that. 11:01:35
13 Q Who came up with the name Fuji? 11:01:35
14 A That was Anthony's choice. 11:01:43
15 Q So Anthony was involved in the Fuji project; 11:01:45
16 right? 11:01:51
17 A Anthony was involved in naming the project. 11:01:51
18 Q Was Anthony involved in the Fuji project? 11:01:54
19 A At a high-level, Anthony was -- you know, at sort 11:01:59
20 of an overview level, Anthony was involved with the Fuji 11:02:18
21 project. 11:02:21
22 Q What does that mean? 11:02:21
23 A That means, like, while -- while he wasn't -- 11:02:24
24 wasn't really involved with, you know, day-to-day 11:02:28
25 engineering, you know, as -- yeah, he had -- it means he 11:02:31
Page 35

1 wasn't involved with day-to-day engineering but still 11:02:43
2 had other involvement. 11:02:46
3 Q He had input into the Fuji design; correct? 11:02:47
4 A He had -- he had other involvement than 11:02:51
5 day-to-day design. 11:02:54
6 Q So, again, I'm not sure that answers my question. 11:02:55
7 "Yes" or "no," did Mr. Levandowski have design 11:02:59
8 input into the Fuji LiDAR design? 11:03:02
9 A He had input that excluded day-to-day 11:03:04
10 engineering. 11:03:18
11 Q What does that mean? 11:03:19
12 A There's a lot of minutiae involved with 11:03:20
13 engineering anything, and he would -- Anthony would -- 11:03:23
14 is not somebody that would have been responsible for 11:03:25
15 those day-to-day design details. 11:03:30
16 Q Are you aware of a policy excluding 11:03:32
17 Mr. Levandowski from having any input into certain LiDAR 11:03:35
18 decisions? 11:03:38
19 A I'm not aware of any such policy. 11:03:39
20 Q So there's no policy that you are aware of within 11:03:41
21 Uber or Otto that prohibits Mr. Levandowski's input into 11:03:45
22 its LiDAR designs; correct? 11:03:50
23 A I'm not aware of any such policy. 11:03:51
24 Q Okay. And from your -- your experience at the 11:03:54
25 company, he has input into the LiDAR designs; correct? 11:03:56
Page 36

1 MS. RAY: Objection; vague. 11:03:59
2 THE WITNESS: He -- he has input that generally 11:04:00
3 excludes minute and day-to-day design input. 11:04:07
4 BY MR. JAFFE: 11:04:17
5 Q So I'm a little bit confused by this phrase that 11:04:17
6 you are repeating. My question is -- is very specific. 11:04:20
7 In your experience at Uber and Otto, 11:04:24
8 Mr. Levandowski has input into the LiDAR designs, 11:04:27
9 including the Fuji project; true? 11:04:29
10 MS. RAY: Objection; form. 11:04:31
11 THE WITNESS: Well, I want to be clear about the 11:04:41
12 nature of his input into -- into -- into Fuji, which is, 11:04:42
13 his input takes place at a high-level and is not -- and 11:04:46
14 he's not involved with the nitty-gritty of designing the 11:04:50
15 laser. 11:04:55
16 BY MR. JAFFE: 11:05:03
17 Q So you are not willing to answer my question 11:05:03
18 "yes" -- actually, let me start over. Let me start 11:05:05
19 over. Is that all right? 11:05:08
20 We are going to do this again the way that we did 11:05:09
21 it before. 11:05:11
22 If I were to write in a paper and submit it to 11:05:11
23 the Court and say, "Mr. Levandowski has input into the 11:05:14
24 Fuji project LiDAR design," would that be false? 11:05:18
25 A That wouldn't capture as much detail as I 11:05:24
Page 37

1 Otto have when it was acquired by Uber? 11:24:57	1 then we will go through and designate certain portions. 11:28:14
2 A Otto had -- Otto had [REDACTED] back then, but I 11:24:59	2 BY MR. JAFFE: 11:28:22
3 don't know -- I can't speak to whether that was supposed 11:25:10	3 Q Mr. Linaval, have you seen the document I've 11:28:22
4 to be a medium or a long-range laser. 11:25:12	4 marked as Exhibit 3? 11:28:25
5 Q Fuji didn't exist until October 2016; right? 11:25:20	5 A I've seen a document very much like this 11:28:26
6 A I don't remember the specific month. 11:25:23	6 document. 11:28:40
7 Q You don't know when Fuji started; right? 11:25:29	7 Q What is it? 11:28:40
8 A I don't recall a specific date. 11:25:31	8 A This is the -- this is an assembly diagram for a 11:28:41
9 Q So you can't tell me whether it was October 2016 11:25:34	9 laser transmitter board. 11:28:48
10 or April 2016; fair? 11:25:35	10 Q Where did the idea come from to do a laser 11:28:50
11 A I know that it was later than April 2016. 11:25:38	11 transmit board with this kind of [REDACTED] 11:28:55
12 Q Okay. So I'm going to narrow it down here so -- 11:25:41	12 here shown? 11:28:58
13 A Yeah. 11:25:46	13 A The [REDACTED] is -- is -- is defined by what's called 11:28:58
14 Q -- July? 11:25:48	14 a Petzval surface, which is, if, you know, you have a 11:29:12
15 A Are you asking about Fuji? 11:25:49	15 lens and you shine light through it, it -- it -- the -- 11:29:16
16 Q Correct. 11:25:52	16 the focal surface of -- of that lens is going to -- is 11:29:21
17 A I would say that Fuji was -- was started late 11:25:54	17 going to follow that [REDACTED] 11:29:24
18 2016. 11:26:10	18 Q Have you ever seen another transmit board in a 11:29:25
19 Q Fuji was started late 2016. 11:26:10	19 similar shape to this one for LiDAR design? 11:29:30
20 When was the first prototype built? 11:26:15	20 A I've seen something sort of similar before. 11:29:32
21 A I don't know. 11:26:17	21 Q When? 11:29:36
22 Q Where did the Fuji design come from? 11:26:17	22 A When I was -- when I was -- when I was working on 11:29:37
23 A The Fuji design used aspects of the -- Fuji 11:26:21	23 [REDACTED] 11:29:49
24 design used aspects of -- aspects from the [REDACTED] and 11:26:45	24 Q What about [REDACTED]; 11:29:51
25 also in-house development. 11:26:51	25 who came up with that idea? 11:29:55
Page 50	Page 52
1 Q Are you aware of any design elements that are the 11:27:01	1 A Well, I'm sure it's been done before, but like, I 11:29:57
2 same between the Fuji project and the LiDAR projects you 11:27:07	2 mean, for example, Velodyne's been doing it for, like, 11:30:04
3 worked on at Google? 11:27:12	3 you know, most of a decade now. 11:30:07
4 A Could you clarify what you mean by "design 11:27:12	4 Q Velodyne puts multiple laser diodes on a single 11:30:09
5 aspects"? 11:27:16	5 PCB? Is that your understanding? 11:30:14
6 Q Number of lasers, orientation of diodes, those 11:27:17	6 A Well, they have an arrangement of multiple 11:30:15
7 sort of things. 11:27:26	7 diodes. I don't know whether it's on a single PCB. 11:30:20
8 MS. RAY: Objection; form. 11:27:26	8 Q Have you ever looked inside a Velodyne LiDAR? 11:30:23
9 THE WITNESS: Not specifically. 11:27:27	9 A Not with detail. 11:30:30
10 BY MR. JAFFE: 11:27:28	10 Q So you are not aware whether the laser diodes in 11:30:32
11 Q So your understanding is that there's no overlap 11:27:29	11 the Velodyne designs are on a single PCB or multiple 11:30:36
12 in the design between the Fuji project and any of the 11:27:32	12 PCBs; is that fair? 11:30:42
13 LiDAR projects that you worked on at Google; true? 11:27:34	13 A I may have misspoken. 11:30:43
14 A I mean, there are certain aspects of a laser -- 11:27:38	14 Q So let me ask my question again, then. 11:30:45
15 of a LiDAR unit that are going to be the same across all 11:27:44	15 Are you aware of whether the laser diodes in the 11:30:55
16 LiDAR units. 11:27:47	16 Velodyne designs are on a single PCB or multiple PCBs? 11:31:00
17 MR. JAFFE: Okay. I'm going to mark what's 11:27:50	17 A I'm not aware. 11:31:05
18 Exhibit 3. 11:27:53	18 Q Okay. Are you aware of any other designs that 11:31:07
19 (Exhibit 3 was marked for identification 11:27:53	19 have [REDACTED] other than 11:31:08
20 by the Court Reporter.) 11:27:55	20 [REDACTED] and this design Fuji? 11:31:17
21 BY MR. JAFFE: 11:27:55	21 MS. RAY: Objection; form. 11:31:18
22 Q And this is a document that's produced to us 11:27:55	22 THE WITNESS: I'm not aware of any other specific 11:31:20
23 as -- I realize it doesn't have a number on it, but my 11:27:58	23 instances. 11:31:43
24 understanding is the number is UBER_00000727_AEO. 11:28:02	24 BY MR. JAFFE: 11:31:43
25 MS. RAY: Let's mark this transcript as AEO, and 11:28:11	25 Q Referring to this design number, what I've marked 11:31:45
Page 51	Page 53

1 as Exhibit 3, are you familiar with the placement of the 11:31:48
2 laser diodes on the transmit board? 11:31:51
3 A Sorry. Would you repeat that? 11:31:53
4 Q Referring to what we have marked as Exhibit 3, 11:32:00
5 this design, the Fuji design, are you familiar with the 11:32:03
6 placement of the laser diodes on the transmit board? 11:32:06
7 A I'm familiar with the -- the process generally 11:32:09
8 with which we decided where to place those decides. 11:32:12
9 Q Do the diodes [REDACTED] 11:32:17
10 A I'm not sure. 11:32:21
11 Q Are you aware of any benefits or -- or lack of 11:32:22
12 benefits from either [REDACTED] 11:32:24
13 [REDACTED] 11:32:29
14 A Okay. I'm going to correct myself. Actually, 11:32:31
15 we -- I believe [REDACTED] 11:32:44
16 and one potential [REDACTED] 11:32:50
17 would be the -- you might get whatever was used -- 11:32:55
18 whatever adhesive was used to attach the laser dye to 11:33:02
19 the board on the front of the diode. I -- my 11:33:07
20 understanding is it's -- is it's common practice to 11:33:12
21 [REDACTED] 11:33:16
22 Q Are you aware of any other LiDAR designs, other 11:33:17
23 than what we have described here in the Fuji design and 11:33:20
24 [REDACTED] r 11:33:25
25 [REDACTED] 11:33:28
Page 54

1 A I haven't looked at any other -- any other LiDAR 11:33:30
2 in detail enough to see that. 11:33:34
3 Q So the answer is: Yes. You are not aware of any 11:33:35
4 other LiDAR designs, other than Fuji and [REDACTED] 11:33:38
5 [REDACTED], that [REDACTED] 11:33:41
6 [REDACTED] like what's shown here on Exhibit 3? 11:33:47
7 A I haven't looked at any other lasers in enough 11:33:47
8 detail to see that. 11:33:49
9 Q Sir, that's not my question, and I understand 11:33:49
10 what you are saying. 11:33:51
11 But my question is: You are not aware of any 11:33:52
12 other LiDAR designs, other than the Fuji design here in 11:33:54
13 Exhibit 3 and [REDACTED], that [REDACTED] 11:33:58
14 [REDACTED] in this fashion; true? 11:34:01
15 MS. RAY: Objection; asked and answered. 11:34:03
16 THE WITNESS: No, and I haven't had the 11:34:04
17 opportunity to see that in any other laser. 11:34:15
18 BY MR. JAFFE: 11:34:19
19 Q Okay. The [REDACTED] 11:34:19
20 [REDACTED] who came up with that? 11:34:22
21 A The spacing was -- was a collaboration between 11:34:25
22 several people within -- within Otto and Uber. 11:34:29
23 Q Including Mr. Levandowski? 11:34:33
24 A I don't think he was -- I don't recall him being 11:34:36
25 involved with that. 11:34:39
Page 55

1 Q Who was involved? 11:34:40
2 A I know Scott Baumkey [phonetic] was involved with 11:34:41
3 that. 11:34:45
4 Q Who else? 11:34:45
5 A Gaton. 11:34:46
6 Q Anyone else? 11:34:47
7 A I'm not sure. 11:34:49
8 Q Okay. So Mr. Baumkey and Mr. Penticote 11:34:51
9 [phonetic] were involved in the design of the [REDACTED] 11:34:55
10 [REDACTED] shown here on Exhibit 3; right? 11:34:57
11 A They were both involved with that process. 11:34:59
12 Q Do you know who came up with the idea? 11:35:01
13 A I'm not aware. 11:35:03
14 Q Do you know whether Mr. Penticote came up with 11:35:04
15 the idea and communicated it to Mr. Baumkey, or vice 11:35:07
16 versa? 11:35:10
17 A The idea of [REDACTED]? 11:35:10
18 Q Yes. This [REDACTED]. 11:35:12
19 A That specific [REDACTED] 11:35:14
20 Q Correct. 11:35:16
21 A I'm not -- I don't know from whom that -- I'm 11:35:17
22 not -- I'm not sure who was responsible for deciding the 11:35:25
23 [REDACTED] 11:35:28
24 Q But you know that Mr. Penticote and Mr. Baumkey 11:35:28
25 came up with it; correct? 11:35:32
Page 56

1 A I know that they were involved in the process of 11:35:34
2 designing [REDACTED]. 11:35:35
3 Q Who else was involved, to your -- to your 11:35:36
4 knowledge? 11:35:38
5 A I don't know. 11:35:40
6 Q Okay. Similar question to what I asked before: 11:35:42
7 Are you aware of any other design than [REDACTED] 11:35:45
8 [REDACTED] and this design here in Exhibit 3 that has 11:35:49
9 this [REDACTED] 11:35:51
10 A I don't recall if [REDACTED] 11:35:53
11 [REDACTED] 11:36:02
12 Q Are you aware whether it does or not? 11:36:05
13 A I'm not aware of [REDACTED] 11:36:07
14 [REDACTED] 11:36:10
15 Q Do you have any understanding at all whether 11:36:11
16 [REDACTED] 11:36:15
17 [REDACTED] 11:36:19
18 A Sorry. Would you repeat the question? 11:36:19
19 Q Do you have any understanding at all whether 11:36:32
20 [REDACTED] 11:36:34
21 [REDACTED] 11:36:38
22 A With anybody else? 11:36:41
23 Q Let me say it again. 11:36:43
24 Do you have any understanding at all whether 11:36:47
25 [REDACTED] 11:36:49
Page 57

1 [REDACTED] 11:36:51
2 A I know that people at Uber and Otto were working 11:36:53
3 on [REDACTED] I don't know whether [REDACTED] 11:36:59
4 [REDACTED] 11:37:03
5 Q You have no understanding about that? 11:37:04
6 A I wasn't aware of [REDACTED] 11:37:08
7 [REDACTED] 11:37:11
8 Q Okay. So, to your knowledge, no one else in the
9 world has [REDACTED]
10 other than what's shown here on Exhibit 3 in this
11 project Fuji; right?
12 MS. RAY: Objection; form.
13 THE WITNESS: I haven't really come across very
14 many LiDAR designs.
15 BY MR. JAFFE:
16 Q So yes?
17 A Would you repeat the question?
18 Q To your knowledge, no one else in the world has a
19 [REDACTED] like what's shown in
20 here for the Fuji project on Exhibit 3, other than Uber;
21 right?
22 MS. RAY: Objection; form.
23 THE WITNESS: I don't know of any other designs
24 involving a [REDACTED] in the world.
25 BY MR. JAFFE:

Page 58

1 Q Okay. Do you work with Gorilla Circuits?
2 A I haven't worked personally with Gorilla
3 Circuits.
4 Q Okay. Are you familiar -- turning back to
5 Exhibit 3 here, do you see the [REDACTED]
6 [REDACTED]
7 A Yes, I see those.
8 Q What are those?
9 A I believe those are [REDACTED]
10 Q What do those do?
11 A They are used at some point in the manufacturing
12 and/or assembly process.
13 Q Who came up with the idea to use [REDACTED]
14 [REDACTED]
15 A I don't know.
16 Q Are you aware of any other LiDAR designs that use
17 [REDACTED] in the same way as described here in
18 the Fuji design?
19 A I'm not aware of any others.
20 Q So, to your knowledge, no one else in the world,
21 other than the Fuji project here in Exhibit 3, has [REDACTED]
22 [REDACTED] in the same manner; right?
23 A Not that I'm aware of.
24 MS. RAY: Objection; form.
25 BY MR. JAFFE:

Page 59

1 Q Okay. The Fuji device has [REDACTED]
2 right?
3 A As designed currently, it utilizes [REDACTED]
4 [REDACTED]
5 Q And Uber labels [REDACTED] right?
6 A That's correct.
7 Q [REDACTED]
8 [REDACTED]
9 A That is correct.
10 Q Why does [REDACTED]
11 A My understanding is that's just a [REDACTED]
12 [REDACTED]
13 Q That's it?
14 A Yeah, and, I mean -- well, yeah, but you would
15 want them to have [REDACTED] so.
16 Q Are you aware of any other LiDAR devices that
17 have [REDACTED] other
18 than the Fuji design?
19 A No.
20 Q Okay. Do you think there's a benefit to that
21 arrangement?
22 A I believe that's why we designed it that way.
23 Q So yes?
24 A Yes.
25 Q Prior to Fuji, have you ever worked on a device

Page 60

1 that had [REDACTED]
2 [REDACTED]
3 A No.
4 Q Uber uses -- going back to the [REDACTED] that
5 we talked about before, those -- do you know whether
6 those are used as a [REDACTED]
7 [REDACTED]
8 A I'm not sure.
9 Q How did -- actually, let me stop.
10 The -- are you aware of the receive board in the
11 Fuji design, how it's designed?
12 A Yes.
13 Q There's one receive board with 32 photodetectors
14 on it; right?
15 A That is correct.
16 Q How does Uber align the individual photo
17 detectors on the receive board with the diodes on the
18 transmit board?
19 A I'm not an optical engineer, and I'm not really
20 sure how to answer that.
21 Q So you don't know how those two get -- get
22 aligned?
23 A Not really.
24 Q Does the Fuji LiDAR work?
25 A What -- what do you mean by "work"?

Page 61

<p>1 Q I mean, can I turn it on and does it generate 2 information? 3 MS. RAY: Objection; form. 4 THE WITNESS: Are you talking about currently? 5 MR. JAFFE: Sure. 6 THE WITNESS: All right. Current- -- currently 7 a -- well, currently, there -- [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 BY MR. JAFFE: 11 Q Have you ever put it on top of a car and tested 12 it? 13 A It's never been on top of a car. 14 Q The -- what we have marked as -- what I marked as 15 Exhibit 3, this is not a standard file from Altium; 16 right? 17 MS. RAY: Objection; form. 18 THE WITNESS: This is not -- well, this was 19 generated via Altium. 20 What do you mean by a "standard file"? 21 BY MR. JAFFE: 22 Q Like if I just turned on Altium and generated 23 dummy projects -- 24 A This would not -- 25 Q -- I would not get this file?</p> <p>Page 62</p>	<p>1 BY MR. JAFFE: 2 Q There was some matches from your computer that 3 were produced to us that corresponded to things like 4 Exhibit 3; right? 5 MS. RAY: Objection; calls for speculation. 6 THE WITNESS: I don't -- I don't believe so. 7 BY MR. JAFFE: 8 Q Well, Exhibit 3 was produced from us -- to us 9 from your counsel. 10 You understand that; right, or do you not 11 understand that? 12 A I'm not sure which subset of files was -- was 13 procured. 14 Q It's not accurate to say that all the files that 15 were produced to us from your computer by your counsel 16 were standard Altium files; right? 17 MS. RAY: Objection; form. 18 THE WITNESS: I don't know which subset of files 19 were procured from by -- 20 MR. JAFFE: Let do this. Mark this as Exhibit 4. 21 (Exhibit 4 was marked for identification 22 by the Court Reporter.) 23 BY MR. JAFFE: 24 Q Sir, Exhibit 4 is the declaration you signed in 25 this matter; correct?</p> <p>Page 64</p>
<p>1 A You would not get this file from a dummy project. 2 Q Right. 3 So this file is a specific file that you 4 generated; right? 5 A I don't know if I generated this file. It may 6 have been one of my colleagues. 7 Q Are you aware that Uber's counsel produced this 8 file to us from your computer? 9 A Yes. 10 Q Okay. You would agree, then, that all the files 11 that got produced from your computer are not standard 12 Altium or output files; right, because they included 13 this one here, Exhibit 3? 14 A Sorry. Would you repeat that? 15 Q Sure. 16 You would agree that some of the files that got 17 produced from your computer are not standard Altium 18 files; right? 19 A I would agree some of the files produced are not 20 standard files. 21 Q So there were some matches from your computer 22 that corresponded to things like Exhibit 3; right? 23 MS. RAY: Objection; form. 24 THE WITNESS: That -- sorry. Would you repeat 25 that?</p> <p>Page 63</p>	<p>1 A This appears to be my declaration. 2 Q Do you see paragraph 4 talks about you using 3 Altium? 4 A I see that. 5 Q And let's -- turning to paragraph 7, you say: I 6 understand that certain Altium, LTSpice and SolidWork 7 files from my computer were produced in this action 8 because they matched certain file names that Waymo has 9 provided for a search of Uber's files or they were MD5 10 hash matches for certain files Waymo identified. 11 Do you see that? 12 A Uh-huh. 13 Q What's the basis for that statement? 14 MS. RAY: Objection. I'm instructing him not to 15 answer on the basis of attorney-client privilege. 16 THE WITNESS: I'm going to follow my counsel's 17 advice. 18 BY MR. JAFFE: 19 Q Are you aware of what files were produced from 20 your Uber computer in this action? 21 MS. RAY: So you can tell him what you are aware 22 of, but not any other additional attorney-client 23 discussions. 24 THE WITNESS: Sorry. Would you repeat that. 25 MR. JAFFE: If you can just restate that.</p> <p>Page 65</p>

<p>1 (Record read by Reporter as follows: 2 "QUESTION: Are you aware of what files 3 were produced from your Uber computer in 4 this action?") 5 THE WITNESS: I'm aware of, generally, what 6 was -- what was produced. 7 BY MR. JAFFE: 8 Q What is the basis for that awareness? 9 MS. RAY: Objection. I instruct him not to 10 answer on the basis of attorney-client privilege. 11 MR. JAFFE: Counsel, we -- we disagree. This is 12 the source of his declaration. Are you claiming 13 privilege over the basis of his statements in his 14 declaration? 15 MS. RAY: Well, he's told you he's seen the 16 files. I'm not going to let you get into discussions 17 with him about anything further than that. 18 MR. JAFFE: I mean, he actually just testified to 19 the opposite of that. 20 Q What is your basis for your understanding -- 21 MS. RAY: Wait. Can we -- hold on a second, 22 please. Wait. Can you hold on just a second. There's 23 no pending question. 24 He says: I'm generally aware of what was 25 produced.</p> <p>Page 66</p>	<p>1 don't want it to be -- 2 Sir, have you seen the files produced from your 3 computer in this action, "yes" or "no"? 4 I don't think there's any privilege issue to talk 5 about here. 6 MS. RAY: Jordan, it might help if you and I just 7 step out of the room so you don't think I'm coaching him 8 and I'll explain to you what the issue is. 9 MR. JAFFE: Well -- 10 MS. RAY: I think you would be okay with that. 11 Do you want to do that? 12 MR. JAFFE: I want to hear his answer to the 13 question, please. 14 MS. RAY: Okay. 15 THE WITNESS: Are -- are you asking if I've seen 16 it -- if I've seen a listing of the files that were 17 procured? 18 MR. JAFFE: No. 19 Q I'm going to repeat it again because I'm not 20 trying to change the question here. 21 Sir, have you seen the files produced from your 22 computer in this action, "yes" or "no"? 23 A What does the "action" refer to? 24 Q In this litigation. 25 A And by -- by seeing the files, do you mean that</p> <p>Page 68</p>
<p>1 MR. JAFFE: And I'm asking what's the basis for 2 that statement. 3 MS. RAY: So I'm instructing him not to answer 4 because it goes into attorney-client-privileged 5 information. 6 I'll tell you, we made available -- 7 MR. JAFFE: I don't want you -- 8 MS. RAY: -- we made available to him the files. 9 MR. JAFFE: -- I don't want you to testify. I 10 want him to testify today. 11 MS. RAY: I'm not looking to testify. He's been 12 given an instruction not to answer. 13 BY MR. JAFFE: 14 Q Sir, have you seen the files produced from your 15 computer in this action? 16 A Would you mind if I -- if I took a break? 17 Q Sorry. This is -- this is a basic question I 18 need to get an answer from. 19 MS. RAY: So can I just clarify? It's because he 20 doesn't know what was -- there's certain -- I'm not 21 trying to game you here, but I think he doesn't 22 understand because he won't know the basis. 23 MR. JAFFE: I mean, I'm sorry, I understand, but 24 my question is very simple. 25 Q Have you seen -- I'll say it again because I</p> <p>Page 67</p>	<p>1 I've, like, looked -- looked at every single one and 2 looked at the contents thereof, or do you mean that I'm 3 just, like, aware of their existence? 4 Q I'm asking if you have seen them. 5 A What does it mean to "see them"? 6 Q Do you know not know what it is to see something? 7 A I -- I -- well, do you mean that I'm aware of -- 8 that I've, like, seen them in a listing or that I've 9 seen the content of them? 10 Q Sir, you put in a declaration talking about these 11 files; right? 12 A Okay. But -- 13 Q Have you seen them? 14 A I've not inspected the contents of every single 15 file. Some of them were very similar to others. 16 Q So let's be clear, then. 17 When you put in your declaration for the Court, 18 the Court shouldn't be under the misimpression you 19 actually looked at the files that you were talking 20 about; right? 21 MS. RAY: Objection; form. 22 THE WITNESS: I've looked at the file listing. 23 I've looked at the file listing enough to be able to -- 24 to understand generally what I was looking at. 25 BY MR. JAFFE:</p> <p>Page 69</p>